

Board of Selectmen Meeting Minutes
October 18, 2011
Town Hall Annex Meeting Room

Members Present: Chairman Florence Seldin, Timothy Roper and David Whitcomb, Sean Summers arrived at 4:17 pm, also present Jill Goldsmith, Town Manager. Len Sussman was absent.

Chairman Florence Seldin called the meeting to order at: 4:02 pm. Ms. Seldin stated Mr. Summers would be arriving late as he was conducting other Town business.

I. Minutes

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Remove *was made by Mr. Whitcomb* from last sentence as it was duplicate.

Mr. Roper made a motion to approve as amended.

Seconded by Mr. Whitcomb.

Vote: 3-0-0

II. Public Forum

Robert Denn, Hamden Place, St. Martin's Lodge, stated in May, 2010 the BOS gave the Lodge permission to sell balloons at 4th of July parade and band concerts. They were able to raise money for the charities and would like to give back to the Town. Mr. Denn presented the BOS with a donation of \$400 to the band to cover the cost of one uniform. Mr. Denn questioned whether permission to sell balloons for one year or do they have to come before the board every year. Ms. Seldin stated they could vote to extend permission.

Ms. Goldsmith advised the item should be placed on next week's agenda as it was presented under "Open Forum".

William Hammett, Hamden Place, presiding Master of Nauset Light Lodge. They sell lobster rolls on Thursday's and Saturday's nights from Memorial Day to Labor Day. Mr. Hammett presented the BOS with a donation of \$400 for a band uniform.

Mr. Whitcomb stated there was prior discussion to find a place to store uniforms when the new uniforms have been purchased. Location has not yet been found. Ms. Goldsmith to address finding a location to store the uniforms.

Dr. Bob Duncanson announced there would be a minor change to the traffic detour on Thursday, October 20, 2011. Contractor has to work in the middle of the intersection of Old Queen Anne Road and Rte. 28. Old Queen Anne Road will be closed between Stepping Stones and Rte. 28.

John Hallgren, South Chatham, spoke in response to letter in the Chronicle suggesting the fire station be built in the area of George Ryder Road. He pointed out on page 33 of the consultant's report stated placing the station in that location would drop the Town to the worst possible response scenario of 19% response time. He also asked that people be

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more considerate when recycling at the transfer station and place items in the proper receptacles. Ms. Seldin stated people should be recycling properly as it affects the cost to all taxpayers.

Ms. Judith Winters requested that ethics be put on a BOS meeting agenda. Workshops or discussion be held on ethical behavior specifically addressing: conflicts of interests, open meeting law, undo influence, posting meetings, and abuse of power.

Ms. Seldin stated the BOS, any individual appointed to a committee, and employees are required to take conflict of interest test on the State's website. Ms. Goldsmith stated she has it as a pending agenda item to have a State Ethics Attorney to conduct a training.

III. New Business

A. Proclamation – Chatham 300th Celebration

Shareen Davis requested the BOS draft and proclaim that 2012 is the 300th Anniversary of the founding of Chatham. The Chatham 300 Committee would like the proclamation to be in the 2012 time capsule and the commemorative book. Mr. Roper volunteered to write the proclamation and passage will be on a future agenda.

B. Placement of Signs for Happy Hauntings Event - Chatham Historical Society

Kealyn Gardner, Atwood House Museum, requested permission to place signs for the Museum's Happy Hauntings Event on October 29, 2011 to direct people to the museum and provide notification of the event. The locations of the signs would be on the island to the East of the Rotary and two on Stage Harbor Road.

MOTION by Mr. Roper: to grant request of the Chatham Historical Society to place Halloween sign advertising their event in the designated areas on October 29, 2011.

Second by Mr. Whitcomb

Vote: 4-0-0

C. Committee Appointments - Shellfish Advisory

Appointment postponed until next meeting. Two more interviews were conducted on October 18, 2011 and further discussion by the interview sub-committee is needed. There is one vacancy on the committee and four applicants.

D. Committee Reviews/Update – Cemetery Commission

Mr. Goodspeed, Chairman, stated the Commission has opened section A of Seaside Cemetery. They are currently working on the old railroad bed at the rear of Seaside Cemetery. This entails designs for the area which once determined they will be able to determine the approximate cost. There are monies set aside for this expansion.

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Mr. Goodspeed stated that within two weeks the Commission will be marking the outside perimeter of Union Cemetery and installing fencing which was recommended by Town Counsel. They may be taking fill outside of this cemetery to use in the old railroad bed behind Seaside Cemetery.

The Commission is working to gain access to land the Cemetery Department has control of at the Cemetery in South Chatham. Mr. Goodspeed stated the owner of the property has been contacted by letter once or twice. He requested the Town attempt to contact the property owner again to see if the project can move forward.

The front of South Chatham Cemetery will be opened up to small lots for cremation only. The left side of the front will be opened up for earth burial. Some of the water lines will have to be replaced in this cemetery.

Mr. Goodspeed stated the Commission is working with an out-of-town company to explore the concept of installing cremation walls. This is a relatively new concept and the Commission will be coming back to BOS on this concept.

Mr. Goodspeed stated the Commission is finding there is an increasing demand for the services of the cemetery department. It has become necessary to work additional hours and they currently have sufficient funds to cover these hours.

Ms. Seldin stated the expansion of Seaside Cemetery has been going on for a number of years and asked where exactly the Commission is on this expansion. Mr. Goodspeed stated they are currently working on topographical plan to lay out the lots and they have draft of article to go to Town Meeting. He added the Town owns the property and the article would authorize the Town to transfer the property to the cemetery commission for the expansion.

E. Shellfish Constable Renee Gagne – Scallop Season and Associated Regulations

Dr. Bob Duncanson introduced Renee Gagne new shellfish constable. He stated Ms. Gagne was the unanimous choice of the search committee. Ms. Gagne has lived in Chatham for nearly 30 years, been a commercial shellfisherman for over 20 years, served on the Shellfish Advisory Committee since 2000 and has a strong background in environmental and marine sciences.

Ms. Gagne stated the BOS has within their packet the Shellfish Rules and Regulations for the Board's approval to open Scallop season on Tuesday, November 1, 2011 – there have been no other regulatory changes.

MOTION by Mr. Whitcomb: to open Scallop Season on Tuesday Nov. 1, 2011

Seconded by Mr. Roper

Vote 4-0-0

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- F. Municipal Health Insurance Reform; BOS consideration to adopt provisions of M.G.L. c. 32B, §§ 21-23 to engage in the process to change health insurance benefits. Gerry Panuczak, Human Resource Director introduced provisions to BOS at previous meeting and requested the BOS adopt the provisions of M.G.L. c. 32B, §§ 21-23.

Mr. Panuczak stated the Town obtains its benefits through the Cape Cod Municipal Health Group, who on Oct. 5, 2011 voted to modify the existing offerings to Group Insurance Commission (GIC) like benefits. He explained that under the new legislation CCMHG will be able to change the copays and deductibles to a higher level.

The BOS has conflicts of interest due to the fact that BOS members are eligible for health insurance benefits, and a quorum of members cannot be reached without at least one member who elects health insurance coverage. Currently three of the five BOS members receive health benefits. Therefore, the BOS needs to invoke the *Rule of Necessity* is in order to take a valid vote.

There are five stipulations of the Rule of Necessity that must be met in order to invoke this Rule. The BOS meets these five requirements and Town Counsel has agreed that the Rule of Necessity must be invoked.

Rule of Necessity

Mr. Whitcomb disclosed he participates in the Town's health benefits program therefore he invokes the Rule of Necessity because a majority of the BOS have a conflict of interest. Mr. Whitcomb stated he called the State Ethics Commission and spoke to the attorney of the day who advised this is the proper way to go. Only one Selectman is required to invoke the Rule of Necessity however, all members of the BOS have to disclose conflict of interest. Mr. Summers stated he participates in the Town's health benefits program and disclosed a conflict of interest.

Mr. Panuczak stated the new legislation allows the Town to change copays and deductibles without collective bargaining but does not allow a change to the cost sharing percentage currently 70% (em): 30% (ee); 50:50 retirees.

MOTION by Mr. Whitcomb: the Town of Chatham elect to engage in the process to change health insurance benefits under M.G.L. c. 32B §§ 21-23.

Seconded by Mr. Roper.

Vote: 4-0-0

- G. Establishment of an Employee Insurance Advisory Committee (IAC) under M.G.L. c. 32B, §3

Mr. Panuczak stated that now the Town has adopted M.G.L. c. 32B §§ 21-23 the Town now has to engage in the process to implement such. The Town must create an

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Employee Insurance Advisory Committee (IAC) which is an eight (8) member panel of interested parties who have health insurance with the Town. Mr. Panuczak stated the recommended members of this panel be the presidents of the four unions, Stuart Moore as the retiree representative, Bill Lichtfield has volunteered to represent the elected officials, Alix Heilala to represent the four contracted employees and himself as the representative for the two non-represented employees. This panel will be the first to hear new plans, cost savings as well as mitigation plans. After that work is completed the IAC will change and will be just four union presidents and a representative of retirees. The committee will then be called Public Employee Committee which is required by the legislation. The Public Employee Committee will then enter into the 30 day negotiation period about the mitigation plan and up to 25% of any cost savings due to the plan design changes.

MOTION by Mr. Whitcomb: the Town of Chatham creates an Insurance Advisory Committee under M.G.L. c.32B § 3 to be comprised of the following representation from organizations of employees affected:

Chatham Municipal Employees Association – Stuart F.X. Smith, President; Chatham Sergeants and Patrol Officers Union M.C.O.P. Local 294, AFL-CIO – Tom Powers, President; Chatham Permanent Firefighters, Local 2712, International Association of Firefighters – Timothy Hunter, President; New England Police Benevolent Association, Local 115 – Katie Brown, President; Chatham Retirees – Stuart Moore; Chatham Elected Officials – William Litchfield, Moderator; Chatham Contract Employees – Alexandra Heilala; Chatham Employees not Affiliated with a Bargaining Unit – Gerry Panuczak

Seconded by Mr. Roper.

Ms. Seldin pointed out the composition of the IAC is set by law which requires the eight (8) member committee consist of employees affected.

Vote: 4-0-0

- H. Voting machines – Vote to discontinue use of Optech Eagle III-P and accept use of Accu Vote-OS voting machines (M.G.L. c. 54, § 34)

Ms. Goldsmith announced a request to retire old voting machines and accept use of new ones.

MOTION by Mr. Whitcomb: to discontinue use of the Optech Eagle III-P and accept use of Accu Vote-OS voting machines effective for Presidential Primary election on March 6, 2012.

Seconded by Mr. Summers

Vote: 4-0-0

- I. BOS/TM Goals Setting Session; Ranking of FY2013 Goals

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Ms. Goldsmith stated Mr. Sussman was not able to transmit his goals priorities. She presented a compilation of priority. Financial health of the Town was a top priority for everyone. Ms. Goldsmith stated she will now take the goals and transform it into a compounded statement.

J. Report from David Whitcomb – Regional School Building Committee

Mr. Whitcomb announced the Monomoy Regional School Building Committee held its previous meeting on October 11th at the Chatham High School Library. This meeting was mostly preparation for the meeting public information forum held on October 12th. This meeting is being replayed daily on Ch. 18 at 8:00 am, 1:00 pm and 5:30 pm.

Mr. Whitcomb added all the tasks from MSBA have been completed therefore a successful vote at both Town Meetings the RFS is ready to go out for the Owner's Project Manager. There is a new website: www.monomoyregion.org for those interested.

Mr. Whitcomb encouraged everyone to attend the Special Town Meeting on Monday, October 24, 2011 at 6:30 pm at Chatham High School.

IV. Other Business

MOTION by Mr. Roper: to adjourn.

Seconded by Mr. Whitcomb

Vote 4-0-0

Meeting adjourned at 5:21 pm.

Respectfully submitted

Kristin M. Sullivan